

**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO**

**IN RE**

**JOSE ALFONSO CARRASQUILLO  
ORTIZ**

**Debtors**

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**P.R. ELECTRIC POWER AUTHORITY**

**Plaintiff**

**v.**

**JOSE ALFONSO CARRASQUILLO  
ORTIZ**

**Defendant**

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**Case No. 16-05715 (ESL)**

**Chapter 7**

**Adversary Proceeding No. \_\_\_\_\_**

**Re: Determination of dischargeability**

**COMPLAINT**

**TO THE HONORABLE COURT:**

**COMES NOW** the Puerto Rico Electric Power Authority (“PREPA”) through its undersigned counsel, and very respectfully states, alleges and prays:

**I. Jurisdiction and venue**

1. The Honorable Court has jurisdiction over the present adversary proceeding pursuant to 11 U.S.C. §§ 105 and 523, 28 U.S.C. §§ 157 and 1334, and Fed. R. Bankr. P. 4007 and Part 7, Fed R. Bankr. P. 7001, et seq. This is a core matter pursuant to 28 U.S.C. § 157(b)(2)(I).

2. Venue is proper in this Honorable Court pursuant to 28 U.S.C. §§ 1408 and 1409.

## **II. The parties**

3. PREPA is a governmental unit of the Commonwealth of Puerto Rico and a public corporation with its main offices located in San Juan, P.R. PREPA's mailing address is P.O. Box 363928, San Juan, P.R. 00936-3928. PREPA's telephone number is 787-521-4448. PREPA's fax number is 787-521-4440.

4. José Alfonso Carrasquillo Ortiz ("Debtor" or "Defendant") is a natural person and the Debtor in the bankruptcy case of caption. Debtor's physical and mailing address is: Parque de Candelero 38, Humacao, Puerto Rico, 00791.

## **III. Facts, allegations, and cause of action**

5. PREPA was the supplier of electricity to Debtor.

6. PREPA is a creditor of Debtor.

7. Debtor owes PREPA the total pre-petition amount of \$105,168.10 for undue use of electric power services (Irregularidades en Consumo de Energía Eléctrica or "ICEE" in Spanish).

8. The amount of \$105,168.10 owed by Debtor to PREPA is the result of Debtor having illegally intervened or tampered with and/or manipulated, PREPA's meter and electric service facilities in the property located at 26025, Cas. Antonio Roig, Humacao, Puerto Rico, for which the electric power services account is in Debtor's name.

9. Debtor illegally intervened or tampered with and/or manipulated, PREPA's meter and electric service facilities in the aforementioned property, not only one time, but in three (3) different occasions.

10. Upon information and belief Debtor managed bread dough making business at the said property.

11. When PREPA checked its meters and electrical facilities at the affected property, PREPA found that the meters and/or electrical facilities had been illegally bypassed, intervened, tampered with and/or manipulated in such a way that the actual amount of electric power being consumed was not properly registered. Debtor's actions with regards to PREPA's meters and electrical facilities are not only illegal but also violate PREPA's General Terms and Conditions for the Supply of Electric Energy (the "Terms and Conditions").

12. By paying a reduced amount for power consumption and not the actual costs of power supplied to operate his business, Defendant showed his intent to increase profits from the operation of his bread dough making business.

13. Upon PREPA discovering that its electrical facilities in the aforementioned properties had been illegally intervened, PREPA commenced the corresponding analysis and, in some instances, even managed to commence the corresponding administrative proceedings, which have been stayed as a result of Debtor's bankruptcy petition.

14. Had PREPA known that Debtor's representations that he was going to comply with the Terms and Conditions were false and that Debtor was not going to comply with the Terms and Conditions and was going to break the law by bypassing, tampering, intervening, or manipulating PREPA's meters and electrical facilities, PREPA would not have supplied electricity to Debtor or his properties.

15. By bypassing, tampering, intervening, or manipulating PREPA's meters and electrical facilities, Debtor willfully and maliciously caused injury to PREPA and to PREPA's property, in the amount of \$105,168.10. Said debt is also the result of Debtor committing larceny and illegally appropriating PREPA's property, to wit the electricity supplied by PREPA to Debtor and /or Debtor's property.

16. Debtor additionally owes PREPA \$26,275.00 in fines, administrative charges, and penalties assessed by PREPA to Debtor as a result of Debtor having illegally bypassed, intervened, tampered with and/or manipulated PREPA's meters or electrical facilities. The amounts in fines, administrative charges and penalties are not compensation for PREPA's actual pecuniary loss but rather serve a punitive and/ or rehabilitative governmental aim.

17. Debtor's debt with PREPA for the total of \$105,168.10 is not dischargeable pursuant to 11 U.S.C. §§ 523(a)(2), (4), (6), and (7), as it is a debt for property and/or services obtained by Debtor through false pretenses, a false representation, or actual fraud and/or it is a debt that resulted from Debtor causing willful and malicious injury to PREPA and PREPA's property and/or a result of Debtor committing larceny and illegally appropriating himself of PREPA's electricity, and/or a debt for a fine, administrative charge, or penalty assessed by PREPA to Debtor payable to PREPA and for PREPA's benefit that is not compensation for PREPA's actual pecuniary loss and that is not a tax penalty and that serve a punitive and/or rehabilitative governmental aim.

**WHEREFORE PREPA** respectfully requests from the Honorable Court that it grant PREPA's complaint and that it enter judgment in favor of PREPA and against Debtor to the effect that Debtor's debt with PREPA for \$105,168.10 is not a dischargeable debt.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 21<sup>th</sup> day of November 2016.

**CERTIFICATE OF SERVICE:** I hereby certify that on November 21, 2016, I electronically filed a copy of the foregoing motion with the Clerk of the Honorable Court, using the CM/ECF system, which will send electronic notice of the motion to all CM/ECF interested participants, including counsel for Debtors.

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